

IN THE DRAWINGS:

Please replace the attached Replacement Sheets for their corresponding drawing sheets in the present Application.

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present Application. This Application has been carefully reviewed in light of the Official Action mailed September 17, 2003. Applicant is amending FIGs. 1-3 as described below. Applicant submits that the amendments do not add new matter to the present Application. Applicant respectfully requests reconsideration and favorable action for the present Application.

Drawing Objections

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.83(a). Annotated Marked-up Drawings, concurrently submitted herewith, includes annotations to show the changes to the drawings more clearly. Referring to FIG. 3, "(including personalization rule(s))" is being inserted at the end of block 322. Support can be found in the specification in paragraph 0032 at line 7. Therefore, "personalization rule(s)" now appears in the drawings. Applicant has also added text labels in FIGs. 1 and 2 for the Examiner's convenience. The text labels include "Network 14" and "Database 18" in FIG. 1, and "HD 166," "Data processing system readable medium 202," "Code element 204," "Code element 206," and "Code element 208" in FIG. 2. Support for the text labels can be found in paragraphs 0022 and 0024. Accordingly, withdrawal of the drawing objections is respectfully requested.

Rejections under 35 U.S.C. § 112

Applicant respectfully submits that claims 1-18 comply with 35 U.S.C. § 112, first paragraph. The Office Action asserts that claims 1-18 fail to comply with the written description requirement for the use of "personalization rules." There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. Consequently, rejection of an original claim should be rare. Information that is well known in the art does not need to be described in detail in the specification. M.P.E.P. § 2163. Further, the standard used for 35 U.S.C. § 112, first paragraph is not just any individual but one of ordinary skill in the art. Applicant submits that one of ordinary skill in the art has at least a

couple of years of computer programming experience, and, particularly for the present Application, writing code to be used at websites.

Personalization rules and their use were very well known at the time the present Application was filed. They are still well known and widely used today. Personal data from the cookies, preferences, or profile data files can be used with personalization rules. One of ordinary skill in the art appreciates that the personalization rules can be code within a software program for doing or not doing a specific operation depending on the attribute. An example, of using personal data with personalization rules can be seen in U.S. 6,076,166 ("Moshfeghi"), which was cited by the Examiner. In FIG. 2 of Moshfeghi, stage 42 includes "generate additional filtering rules based on use preferences/log." Note that preferences are listed as an example of personal data in the present Application. Moshfeghi also refers to the rules at stage 42 as "user interest rules" in column 7 at line 3. Other terms may be used in place of user interest rules, such as user customization rules and the like. One of ordinary skill in the art appreciates that user interest rules and user customization rules are examples of personalization rules. Applicant points out that he is not required to provide an expressed definition for personalization rule, particularly considering personalization rules are so widely known by skilled artisans. During patent prosecution, terms not expressly defined will be given their broadest reasonable interpretation consistent with the specification using the ordinary skill standard.

Moshfeghi describes how to implement the user interest rules in column 6 at line 49 to column 7 at line 30. Note that at least some of the other references cited within the Office Action or submitted by Applicant have similar teachings for using personal data within personalization rules for achieving a goal, such as generating customized web pages for a user based on the personalization rules. After reading the present Application, one of ordinary skill, who would have read and had access to the Moshfeghi and other references cited within the Office Action or submitted by Applicant, appreciates what "personalization rules" are and how they are implemented. Therefore, Applicant respectfully submits that "personalization rules" as used in the claims is properly supported by the Application as filed.

Accordingly, withdrawal of the rejection of claims 1-18 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Applicant respectfully submits that claims 1-18 comply with 35 U.S.C. § 112, second paragraph. The Office Action asserts that claims 1-18 are indefinite for the use of "personalization rule." As previously discussed, personalization rules were very well known at

the time the present Application was filed. One of ordinary skill in the art would understand the meaning of personalization rules, particularly after reviewing the prior art and teachings of the present Applicant. Applicant points out that the claims only need to have a reasonable degree of particularity and distinctness. M.P.E.P. 2173.01. Exacting limits (i.e., "black-and-white" limits) are not required. The discussion of personal data and personalization rules are sufficient to put one of ordinary skill in the art on notice regarding the claims, and particularly "personalization rules" within the claims.

Accordingly, withdrawal of the rejection of claims 1-18 under 35 U.S.C. § 112, second paragraph is respectfully requested.

The Office Action asserts that claims 1, 6, 11, and 14 are not clear as to what is sending or receiving the information. Applicant points out that 35 U.S.C. § 112, second paragraph does not require the object or person carryout the acts (herein referred to as the "actor") be recited within a method claim. As one example, in U.S. 6,662,199 ("Flight") has a method claim 16 that includes two steps involving storing values. FIG. 3 of Flight includes an illustration where two user (e.g., client computers) 50a and 50b can access a sever computer 40. Note that claim 16 does not specify an actor. In another example, in U.S. 6,643,669 ("Novak"), method claim 1 includes steps transmitting a first synchronization message, updating the first database, and storing new mapping records. Just like Flight, Novak does not specify the actor. Note that a database is an organized collection of information, and therefore, cannot be performing the actions because it cannot execute instructions. Note that Novak teaches using a client and server computers (see abstract of Novak). Therefore, the PTO has issued patents with method claims that do not have the citation of actors. Copies of Flight and Novak are provided herewith for the Examiner's convenience. Applicant respectfully submits that 35 U.S.C. § 112, second paragraph does not require the recitation of actors for activities listed within method claims.

Below, Applicant is pointing out language to support the independent claims. Applicant notes that the invention is not limited only to embodiments described within the present Application. After reading the specification, one of ordinary skill in the art appreciates that server computer 16 in FIG. 1 may be the actor and perform the actions in claim 1. However, this is just one exemplary embodiment that does not limit the scope of the claims. Anything, including but not limited to a server computer, laptop computer, or other machine, performing the actions as recited in the claims would infringe those claims. Applicant points out that he does not have to specify what is doing the sending and receiving in the claims to comply with 35 U.S.C. § 112, second paragraph. After reading the specification, a potential infringer will

understand that anything or combination of things under the potential infringer's control that performs the actions in the independent claims will result in direct infringement of those claims.

Accordingly, withdrawal of the rejection of claims 1, 6, 11, and 14 under 35 U.S.C. § 112, second paragraph is respectfully requested.

The Office Action asserts that claim 11 is vague and unclear for the use of "substantially sufficient." Applicant points out that the claims only need to have a reasonable degree of particularity and distinctness. M.P.E.P. 2173.01. Exacting limits are not required.

To provide better understanding of the claim language, Applicant directs the Examiner to the passages in paragraphs 0037-0039 of the present Application. Note that the embodiment described is not meant to limit the present invention. A user may provide a network address, such as an IP address, so that the receiving computer (e.g., server computer 16) can send the reply to the proper requestor of the information (e.g., client computer 12). Other than a network address, the receiving computer may not need any further information from the requestor. As the requestor allows more personal information to be transferred, the likelihood of identifying the requestor increases. Even without a name, a person may be identified by using one or more of: a physical street address of the user, a mailing address of the user, an age of the user, a race of the user, a religion of the user, an income of the user, a consumer item preference of the user, a consumer brand preference of the user, a color preference of the user, an animal preference of the user, and a cookie. Therefore, even if a name of the person is not provided, the person may be identified. After obtaining the user information used for the personalization rules, the user, rather than the server computer or default settings on the client computer, may determine what information he or she is willing to divulge.

The use of "substantially" is allowed and does not render the claim vague. See M.P.E.P. § 2173.05(b). After reading this specification, one of ordinary skill in the art would be able to determine what information would be substantially sufficient to identify a user.

Accordingly, withdrawal of the rejection of claim 11 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Applicant respectfully submits that the dependent claims are allowable for at least the same reasons as their corresponding independent claims.

IDS REFERENCES

Applicant is again submitting the Form PTO-1449 and copies of references C1-C7. The Office Action acknowledges receipt of the references but asserts that they are illegible. Applicant respectfully traverses the assertion. The undersigned attorney has reviewed the references, and the references are legible. Copies of the IDS transmittal sheets, Form PTO-1449, and references C1-C7 are being submitted concurrently herewith for the Examiner's convenience.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of the pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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Dated: 12/16/2003

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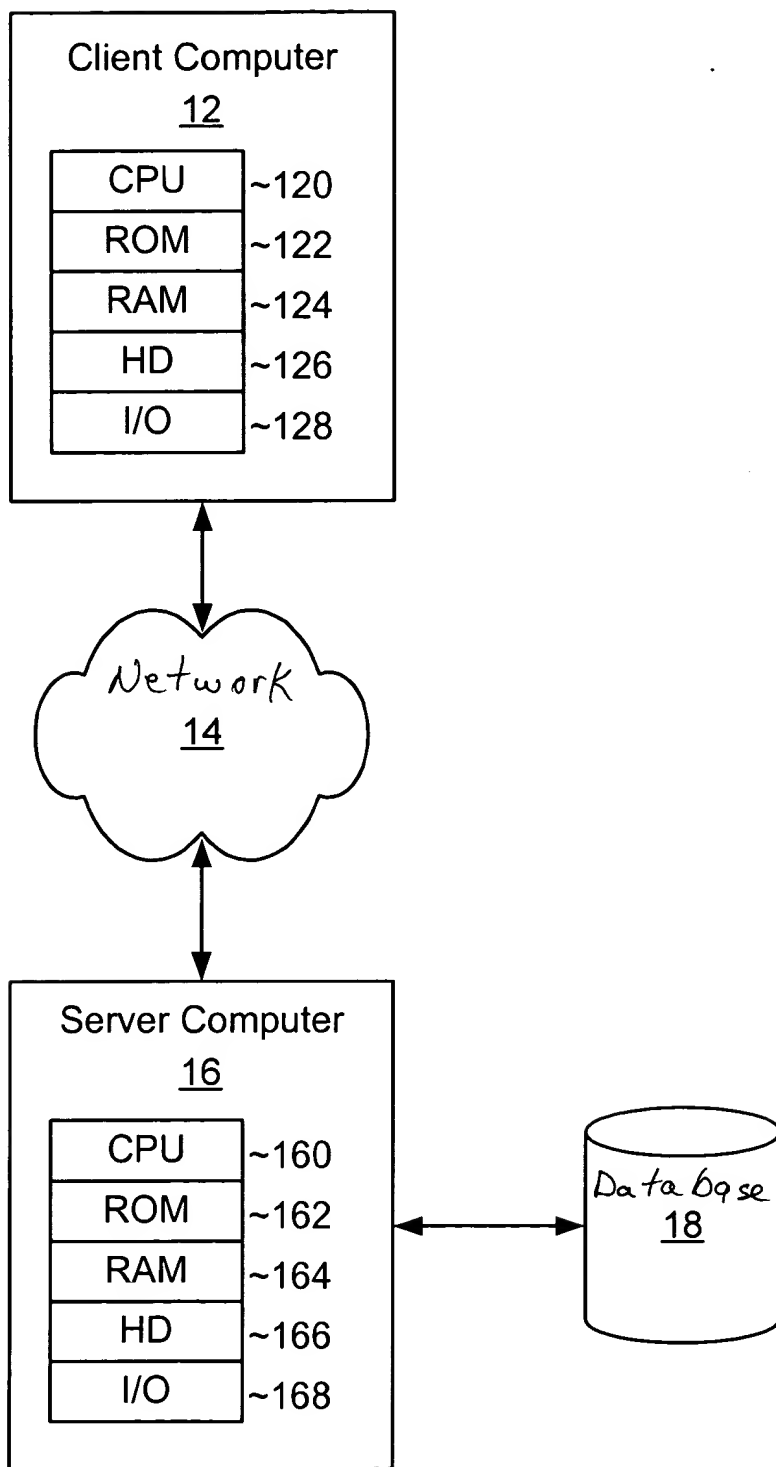
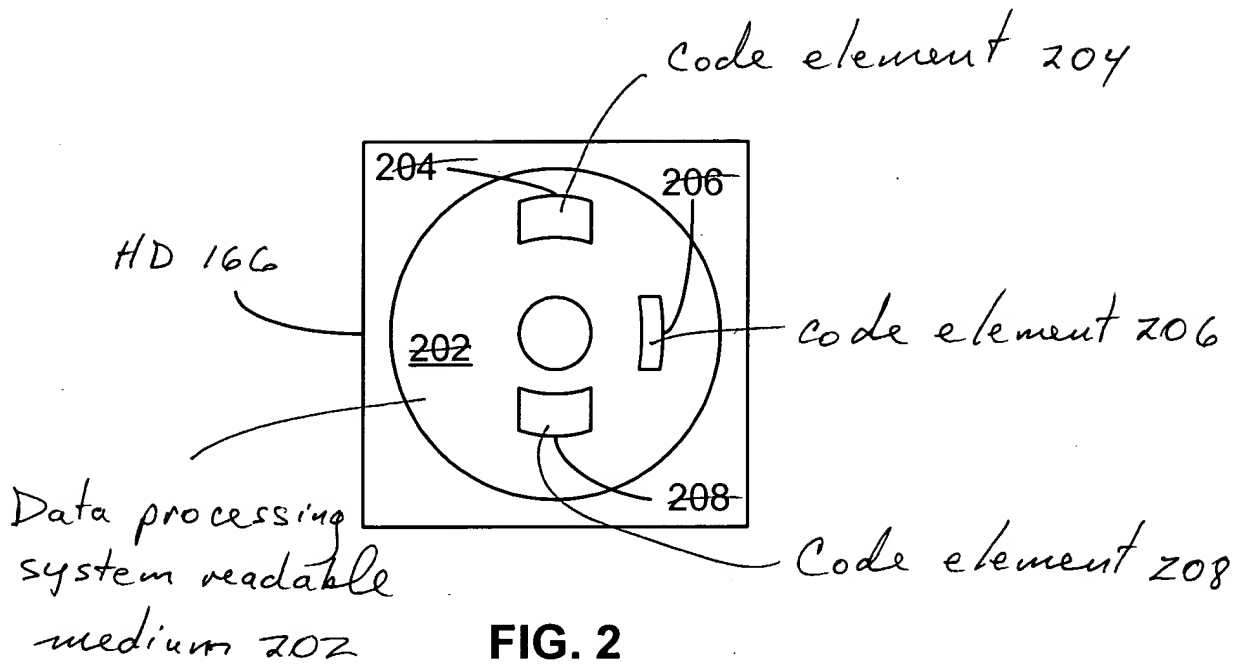


FIG. 1

Approved on 2/27/04



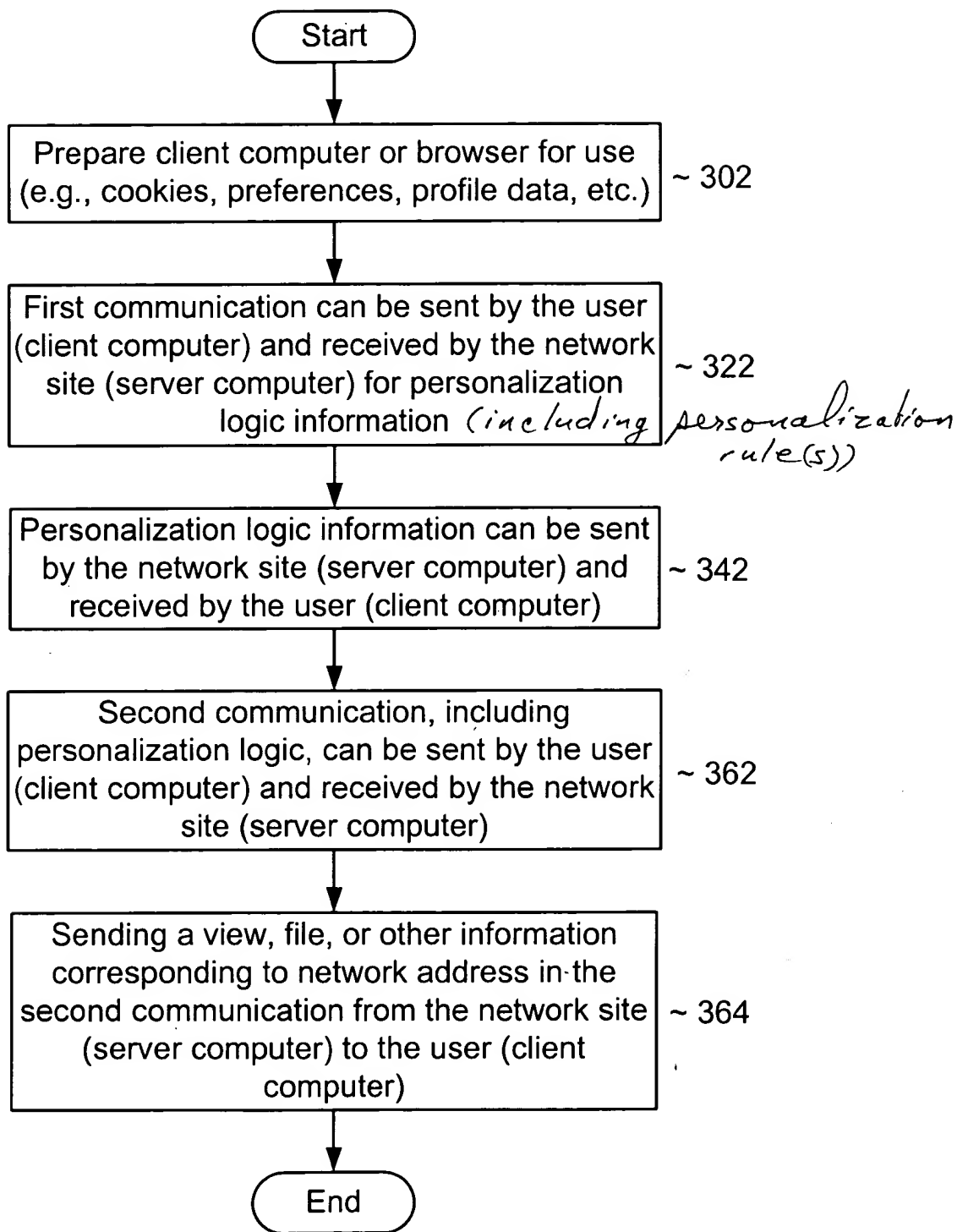


FIG. 3